

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

TREXEL, INC.

Plaintiff,

v.

MASTER INDUSTRIES, INC.,

Defendant.

Civil Action No. 05-cv-11599 RCL

**REQUEST FOR DEFAULT**

Plaintiff, Trexel, Inc., respectfully requests that this Court enter a default against Defendant Master Industries, Inc. Plaintiff filed its Complaint in this suit on July 29, 2005, and served Defendant with the Complaint on August 15, 2005. Defendant's answer was thus due on September 6, 2005. Defendant has not filed an answer, a responsive pleading, or otherwise appeared, and thus a default should be entered pursuant to Fed. R. Civ. P. 12(a)(1)(A) and 55(a).

Proof of service of the Complaint (D.I. 2) is attached as Exhibit 1 for the Court's convenience.

Respectfully submitted,

TREXEL, INC.

September 14, 2005

by: /s/ Adam J. Kessel  
Michael A. Albert, BBO # 558566  
James J. Foster, BBO # 553285  
Adam J. Kessel, BBO # 661211  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
(617) 646-8000

## **EXHIBIT 1**

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

FOR THE

District of

MASSACHUSETTS

TREXEL, INC.

V.

SUMMONS IN A CIVIL ACTION

MASTER INDUSTRIES, INC.

CASE NUMBER:

05 11599 RCL

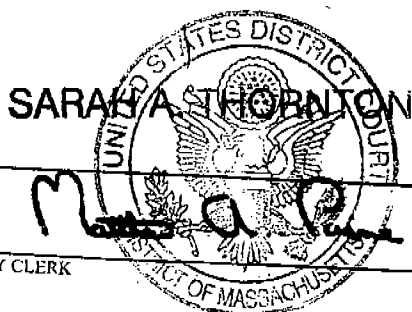
TO: (Name and address of Defendant)

MASTER INDUSTRIES, INC.  
1712 COMMERCE DRIVE  
PIQUA, OH 45356

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MICHAEL A. ALBERT, ESQ.  
WOLF GREENFIELD & SACKS, P.C.  
600 ATLANTIC AVENUE  
BOSTON, MA 02210

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



CLERK

(By) DEPUTY CLERK

DATE

JUL 29 2005

AO 440 (Rev. 8/01) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and complaint was made by me<sup>(1)</sup>

DATE

August 15, 2005

NAME OF SERVER (PRINT)

Paula A. Blosser

TITLE

Process Server

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: Dusty Bowser @ 4:50 p.m.

☐ Returned unexecuted:☐ Other (specify):

## STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL \$0.00

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on August 16, 2005

Date

Signature of Server

124 E Third St Ste 400  
Dayton, Ohio 45402

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.